

IN RE: DEVELOPMENT PLAN HEARING AND PETITION FOR ZONING VARIANCE W/S Philadelphia Road, 700' S of the c/l of New Forge Road (New Life Baptist Church) 11th Election District 5th Councilmanic District Richard G. Rutherford, et ux Petitioners

* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. XI-664 & 93-3-A (Project No. 92-085-Z)

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN/VARIANCE ORDER

This matter comes before the Hearing Officer/Zoning Commissioner for consideration of the Final Development Plan prepared by E. M. Canino and Associates for the proposed development of the subject property by the Contract Purchasers, New Life Baptist Church. The Petitioners also seek a variance from Section 409.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit off-street parking with direct access to vehicular travelways, all as more particularly described on Petitioner's Exhibit 2.

Appearing at the public hearing required for this project were numerous representatives of New Life Baptist Church, including its Pastor, Johnnie Brewer. Also appearing was E. M. Canino, who prepared the plan. Numerous representatives of the various agencies of Baltimore County also attended the hearing. Further, several adjacent neighbors, including James H. Howdyshell, Ronald Harvey, and Carrie Dunston McBride appeared and expressed their concerns.

Testimony and evidence received was that the subject site is 5.68 acres in area and is located at the end of Loyd Avenue. The closest major intersection is Loyd Avenue and Philadelphia Road. The major thoroughfare known as I-95 is located immediately to the rear of the subject site. Loyd Avenue is a private road owned by the numerous property owners whose lots abut both sides of the roadway from its intersection with Philadel-

phia Road to its terminus at the Church property. Under easement agreement, the owners of the Church property are entitled to use that roadway.

The Developer proposes improvement of the subject site in two phases. Phase I will encompass the construction of a 300-seat capacity church and related parking spaces for 106 cars on the north portion of the site. Phase II, which is contemplated for future development, proposes a 500-seat capacity church facility, additional parking (45 cars), a parsonage, and similar related facilities. All of the contemplated improvements are more particularly shown on Petitioner's Exhibit 2, the revised development plan.

As to the history of the project, the concept plan conference for this development was conducted on April 13, 1992. As required, a community input meeting was held on April 27, 1992. Subsequently, the developer submitted a development plan and a conference thereon was conducted on August 10, 1992. Following the submission of that plan, development plan comments were offered by the appropriate agencies of Baltimore County. A revised development plan incorporating these comments was submitted at the hearing and bears a revision date of August 13, 1992.

At the public hearing before me, I am required to determine what, if any, agency comments were unresolved. It is to be noted that the developer certified that all comments issued by the County agencies have been addressed and incorporated within the revised development plan. Thus, there are no outstanding issues insofar as these comments. Several issues were raised, however, by members of the community association who attended. One was whether there would be any off-site parking to serve the development. Although the variance requested relates to parking, the developer's representatives testified that there will be no parking off-site. The

variance requested pertains only to the internal traffic flow in the parking lot to be constructed within the boundaries of the subject property. This satisfied the community's concerns as to that issue.

Another issue was raised as to traffic. For Phase I of the project, it is contemplated that all traffic to this site will be accommodated by Loyd Avenue. In fact, the plan requires the paving of that easement to a width of 20 feet. Ultimately, if the Church remains successful, development under Phase II as described above will move forward. At that time, an entry road will be constructed from the south end of the property through that land presently shown on the plan as being owned by Ed Apperson. The Church contemplates thereafter blocking or chaining the Loyd Avenue access so that except for special circumstances and emergencies, all vehicular access will be borne by the entry road leading into the south end of the property.

Additionally, comment was offered as to water/sewage facilities for the subject site. Water lines are available in the bed of Loyd Avenue but cannot be utilized by the Church property because Loyd Avenue is a private road and not owned by Baltimore County. Thus, the developer proposes a private well and septic system for use during Phase I of the subject site. Ultimately, when Phase II improvements are constructed, public water and sewer will be obtained through the Apperson property and the proposed entry road to the south. The property owner agreed to development as outlined in this fashion and also towards securing the necessary payment of the public works application fee necessary for approval of the subject well.

The final issue relates to the proposed development of a parsonage on that lot presently owned by Apperson and designated as Lot 26 of

the subject site. The developer agreed that any construction on that lot would be in keeping with the residential character of the adjacent lots. That is, there will be no conference facility nor similar building on Lot 26. In lieu thereof, only the entry road and a parsonage/residential facility shall be constructed.

It is to be noted that all of the above issues were resolved and agreed to by the developer and have been incorporated within his revised exhibit. Thus, the development plan shall be approved in accordance with the comments noted thereon.

As to the variance relief, the Petitioner seeks a variance from Section 409.4 of the B.C.Z.R. to permit off-street parking with direct access to vehicular travelways as shown on Petitioner's Exhibit 2. The variance plan and parking arrangement are identical to that shown on the development plan.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

ORDER RECEIVED FOR FILING
Date 9/16/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/16/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/16/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/16/92
By [Signature]

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. It is clear from the testimony that the requested relief is necessary due to site constraints and to insure reasonable traffic flow within the subject site. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Therefore, pursuant to the zoning and development regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property, and public hearing held thereon, I will approve the development plan and variance consistent with the comments and restrictions contained herein and shall so order.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of September, 1992 that the development plan submitted for the New Life Baptist Church dated, August 13, 1992, as revised, and the Petition for Zoning requesting relief from Section 409.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit off-street parking with direct access to vehicular travelways, in accordance with

Petitioner's Exhibit 2, be and the same is hereby approved, subject to the following terms and conditions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) In the event the developer implements Phase II of the subject development, he shall cause the access to the property from Loyd Avenue to be restricted to use for emergency and special events only.
- 3) The proposed parsonage to be constructed on that portion of the subject property known as Lot 26 shall be confined to residential and related uses and shall not contain improvements for meeting rooms, conference centers, and similar activities.
- 4) All development shall be in accordance with the revised final development plan submitted herein and marked as Petitioner's Exhibit 2.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9/16/92
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

September 4, 1992

(410) 887-4386

Darryl G. Fletcher, Esquire
8905 Harford Road
Baltimore, Maryland 21234

RE: DEVELOPMENT PLAN HEARING AND PETITION FOR ZONING VARIANCE W/S Philadelphia Road, 700' S of the c/l of New Forge Road (New Life Baptist Church) 11th Election District - 5th Councilmanic District Richard G. Rutherford, et ux - Petitioners Case No. XI-664 and 93-3-A (Project No. 92-085-Z)

Dear Mr. Fletcher:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan and Petition for Zoning Variance have been approved in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. James Howdyshell
5611 Allender Road, White Marsh, Md. 21162

Mr. Ronald Harvey
11445 Philadelphia Road, White Marsh, Md. 21162

People's Counsel

File

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at WHITE MARSH, LOYD AVENUE, OFF OF PHILADELPHIA RD. which is presently zoned D.R.1.5.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.4 Access to parking spaces. To permit off street parking with direct access to VEHICULAR TRAVELWAYS.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) Strict compliance with 409.4 would provide a practical difficulty within the resulting envelope defined by RIA buffer and setback limitations combined with the elongated nature of the site with access at either ends.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance substantive, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Purchaser/Owner:
New Life Baptist Church
Type or Print Name
Signature
10816 Philadelphia Road
Address
White Marsh, MD 21162
City
Darryl G. Fletcher
Agent for Petitioner
Signature
8905 Harford Road
Address
Baltimore, MD 21234
City

Legal Owner:
Richard G. Rutherford
Type or Print Name
Signature
Donnie S. Rutherford
Type or Print Name
Signature
9938 Ritchlyn Drive
Address
Perry Hall, MD
City
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
Edward M. Canino, AIA
Name
8811 Harford Road Balto. 21234 661-0415
Address
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
Unavailable for Hearing
The following dates
ALL OTHER
RECEIVED BY: [Signature] DATE 7/16/92

ORDER RECEIVED FOR FILING
Date 9/16/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/16/92
By [Signature]

MCKEE & ASSOCIATES, INC. 93-3A
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (410) 527-1555
Facsimile: (410) 527-1563

July 8, 1992



**ZONING DESCRIPTION OF
PROPERTY TO BE PURCHASED BY
NEW LIFE BAPTIST CHURCH
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

PARCEL ONE

Beginning for the first at a point in the centerline of Philadelphia Road (Maryland State Route No. 7 - 40 feet wide) at the distance of 700 feet south of the centerline of New Forge Road, thence along Philadelphia Road South 33° 47' 52" West 20.00 feet, thence along the south side of Loyd Avenue (20 feet wide) North 56° 12' 08" West 171.00 feet and North 63° 40' 08" West 541.42 feet, thence leaving said road and running South 37° 26' 35" West 823.00 feet, North 64° 59' 52" West 371.85 feet, and North 45° 56' 35" East 877.57 feet to the center of Loyd Avenue, thence along said center South 63° 40' 08" East 387.00 feet, thence North 37° 51' 00" East 10.20 feet to the North side of Loyd Avenue, thence along said north side South 63° 40' 08" East 395.89 feet and South 56° 12' 08" East 169.08 feet to the place of beginning, as recorded in deed Liber 7835, folio 035.

Containing 262,559 square feet or 6.03 acres or land, more or less.

PARCEL TWO

Beginning at the end of the fourth line of the above described parcel and being designated as Lot Number 25 and the entry road for the subdivision of the property of Ed Apperson (not yet recorded).

Containing approximately 15,000 square feet or 0.34 acres of land, more or less.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/10/92
Posted for: New Life Baptist Church
Petitioner: Ed Apperson
Location of property: 415 Phila. Rd., 700' S of New Forge Rd.
Location of sign: Facing road way, on property of petitioner
Remarks: None
Posted by: [Signature] Date of return: 7/14/92
Number of signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 24, 1992
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 23, 1992

THE JEFFERSONIAN,

S. Zebe Orlan
Publisher

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 107438
DATE: 7/10/92 ACCOUNT: 3001 6150
AMOUNT: \$ 250.00
RECEIVED FROM: NEW LIFE BAPTIST CHURCH
FOR: CORNER VARIANCE
4-00400694 CHRG \$250.00
VALIDATION ON SIGNATURE OF CASHIER
FEE AGENCY FEE/CHARGE

receipt

Account #0016150

HY300111

QTY PRICE
1 X \$250.00
TOTAL: \$250.00

Please Make Checks Payable to: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account #0016150
Number:

93-3

Please Make Checks Payable to: Baltimore County \$27.30
PA 1012364-1-1-92

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 7-27-92

New Life Baptist Church
10816 Philadelphia Road
White Marsh, Maryland 21162

RE:
Case #93-3-A
W/S Philadelphia Road, 700' S of c/l New Forge Road
(This location is known as Loyd Avenue, a private drive)
11th Election District - 5th Councilmanic
Legal Owner(s): Richard G. Rutherford and Connie Rutherford
Contract Purchaser(s): New Life Baptist Church
HEARING: REMARK, AUGUST 24, 1992 at 9:00 a.m. in Rm. 118, Courthouse.

Dear Petitioner(s):

Please be advised that \$ 67.80 is due for advertising and posting of the above captioned property and hearing data.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 105, Towson, Maryland 21204. Please place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: Darryl G. Fletcher, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 16, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 105 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #93-3-A
W/S Philadelphia Road, 700' S of c/l New Forge Road
(This location is known as Loyd Avenue, a private drive)
11th Election District - 5th Councilmanic
Legal Owner(s): Richard G. Rutherford and Connie Rutherford
Contract Purchaser(s): New Life Baptist Church
HEARING: REMARK, AUGUST 24, 1992 at 9:00 a.m. in Rm. 118, Courthouse.

Variance to permit off-street parking with direct access to vehicular travelways.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Zoning Commissioner of
Baltimore County

cc: Richard and Connie Rutherford
Edward H. Conlin
New Life Baptist Church
DARRYL FLETCHER, ESQ.
NOTE: HEARING IS UNRECORDED ACCORDINGLY FOR OFFICIAL RECORDS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 6, 1992

Darryl G. Fletcher, Esquire
8905 Harford Road
Baltimore, MD 21234

RE: Item No. Work#4, Case No. 93-3-A
Petitioner: Richard G. Rutherford, et ux
Petition for Variance

Dear Mr. Fletcher:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 10th day of July, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards
CHAIRMAN
ZONING PLANS ADVISORY COMMITTEE

Petitioner: RICHARD G RUTHERFORD, ET UX
Petitioner's Attorney: DARRYL G. FLETCHER

7/18/92
7099-92
Development Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: *James H. Kennedy* Date: 7/27/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Stonegate at Patapsco (A2real Property)			
90476			6-1-92
CON DED TE (Waiting for developer to submit plans first)			
COUNT 1			
Howard Glen And Mary F. Miller	Work #1	7-20-92	NC
DED DEPRM RP STP TE			
Kimberly Woods Village, Inc.	Work #2		NC
DED DEPRM RP STP TE			
David F. And Frances Kelly	Work #3		NC
DED DEPRM RP STP TE			
Richard G. And Connie S. Rutherford			NC
DED DEPRM RP STP TE			
Owings Run Apartments			
91360			
DED DEPRM (SWM) (EIRD)			
COUNT 5			
FINAL TOTALS			
COUNT 6			
*** END OF REPORT ***			

DEP has not received plans for review.

RECEIVED
JUL 28 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: July 21, 1992

SUBJECT: New Life Baptist Church

INFORMATION:
Item Number: 4

Petitioner: Richard G. Rutherford

Property Size: _____

Zoning: D.R. 3.5

Requested Action: Variance

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:
This particular property will come before the Hearing Officer for development plan review. At that particular time, the Hearing Officer will rule on any variances, special exceptions, or special hearings affecting the site in addition to taking final action on the development plan.

The Office of Planning and Zoning's comments are included as part of the development plan.

Prepared by: *Francis Morley*

Division Chief: *Eric McDonald*

FM/EMD:rdn

004.ZAC/ZAC1

RECEIVED
JUL 28 1992
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: August 4, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: July 20, 1992

ITEM NUMBER: 14

Some parking layout modifications are required.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/dm

RECEIVED
AUG 4 1992
ZONING OFFICE

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

JULY 23, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD G. PUTHERFORD AND CONNIE S. PUTHERFORD
Location: LOYD AVENUE, A PRIVATE DRIVE
Item No.: + WORK #4 (JLL) Zoning Agenda: JULY 20, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Noted and
Approved *Carl Jerry Geyer*
Fire Prevention Bureau

JP/KEK

RECEIVED
JUL 28 1992
ZONING OFFICE

7/18/92
Development Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: *James H. Kennedy* Date: 7/27/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Howard Glen And Mary F. Miller	Work #1	7-20-92	
DED DEPRM RP STP TE			No Comments
Kimberly Woods Village, Inc.	Work #2		No Comments
DED DEPRM RP STP TE			
David F. And Frances Kelly	Work #3		No Comments
DED DEPRM RP STP TE			
Richard G. And Connie S. Rutherford			No Comments
DED DEPRM RP STP TE			
COUNT 4			
FINAL TOTALS			
COUNT 4			
*** END OF REPORT ***			

RECEIVED
JUL 28 1992
ZONING OFFICE

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT
COMMENTS ON DEVELOPMENT PLAN

Project Name: New Life Baptist Church
5501 Lloyd Avenue

Date: August 10, 1992

ENVIRONMENTAL IMPACT REVIEW DIVISION
DEVELOPMENT COORDINATION SECTION

The plan must be revised to show the following:

1. Soil evaluation test "G"
2. The sewage disposal system for phase one must be at the highest part of the reserve area.
3. The septic reserve area must be enlarged to include test "A".
4. Proposed soil evaluation tests for Phase Two.

The developer is advised that, prior to approval of a building permit for Phase One, additional soil evaluation tests must be conducted for Phase Two, as well as for Phase One. Also, sewage ejector pumps may be required for the Phase One building.

Reviewer: R. Bruce Seeley *RBS*

EASTERN WATERSHED

The subject plan cannot be approved by this Division of DEPRM until all streams and wetlands on and within 200 ft. of the site are delineated by a qualified environmental consultant, verified by this Division, surveyed and shown on the revised Development Plan.

Additionally, the SWM facility must be relocated on less erodible slopes.

Reviewer: Glenn Shaffer

BRUCE2/TXTSBP

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT
COMMENTS ON DEVELOPMENT PLAN
REVISED

Project Name: New Life Baptist Church
5501 Lloyd Avenue

Date: August 24, 1992

ENVIRONMENTAL IMPACT REVIEW DIVISION
DEVELOPMENT COORDINATION SECTION

It is understood that the development of this site is contingent upon the developer purchasing property from the adjacent Apperson Property in order to provide in-fee frontage on a public road for the purpose of extending public water. The developer is also advised that prior to issuance of building permits for Phase One, additional soil evaluation tests must be conducted. Sewage ejector pumps may also be required.

The plan must be revised to show the following:

1. Soil evaluation test "G"
2. The sewage disposal system for Phase One must be at the highest part of the reserve area.
3. The septic reserve area must be enlarged to include test "A".
4. A proposed well area for Phase One only.
5. Proposed public water and sewer lines to serve Phase One and Phase Two.
6. A note clearly stating "The water well to be drilled to serve the Phase One building is for interim use only. Within one year of the availability of public water, the well will be backfilled by a licensed master well driller and the building connected to public water. A building permit will not be issued for Phase Two until the public water and sewer are available."
7. A note stating "Within one year of the availability of public sewer, the existing septic system for Phase One shall be pumped out and removed or backfilled, and the building connected to public sewer."
8. A note stating "A well will not be drilled on this property until the Public Works Agreement for the adjacent Apperson Property is fully executed."

Reviewer: R. Bruce Seeley *RBS*

Project Name: New Life Baptist Church
page 2

EASTERN WATERSHED

The SWM facility outfall must be relocated on less erodible slopes and the inlet to the SWM facility must be relocated to allow maximum distance to the outfall.

Reviewer: Steve Stewart

BRUCE2/TXTSBP

BALTIMORE COUNTY, MARYLAND

SUBJECT: HEARING OFFICE HEARING DATE: 08/24/92

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

PROJECT NAME: New Life Baptist Church
PROJECT NO: 920852
LOCATION: Loyd Avenue off Philadelphia Road
DISTRICT: 11C5

SUPPLEMENTARY COMMENTS

Water and Sanitary Sewer Comments:

If water service cannot be obtained from Loyd Avenue, then property should be purchased from Mr. Apperson for future water service and access. Prior to Phase Two construction, the access from the Apperson property must be in place.

General Comments:

The following note must be placed on plan: "If the water service is taken from the Loyd Avenue water main, then Loyd Avenue must be improved to a 24-foot wide street on a 40-foot right-of-way."

This Plan may be approved subject to compliance with all of the above comments.

Robert W. Bowling
Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:JMS:pab

cc: E. M. Canino
Hearing Officer
File

NEWLIF/PB_CONN2

BALTIMORE COUNTY, MARYLAND

SUBJECT: () CONCEPT PLAN COMMENTS () CPC DATE: 8/10/92
(X) DEVELOPMENT PLAN COMMENTS (X) DPC DATE: 8/10/92
10:00 a.m.

FROM: ZONING - DEVELOPMENT CONTROL
Z.A.D.M.

PROJECT NAME: New Life Baptist Church
(Project #920852) PLAN DATE: 6/10/92

LOCATION: W/S Philadelphia Road at
SW/end Loyd Avenue REV.: 8/13/92 (Received
Zoning 8/24/92)

DISTRICT: 11c5
PROPOSAL: Church & School
in D.R.-3.5
(Zoning Hearing #93-3-A)

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CONCEPT
PLAN APPROVAL, BUT MUST BE ADDRESSED
PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by the staff at this level of detail and has been found to be in general compliance with the Baltimore County Zoning Regulations for the development plan approval. To avoid any possible delays in the development review and zoning approval process, when additional details are available or changed, this office should be contacted and it should be the responsibility of the owner, developer or developer's engineer to rectify any zoning conflicts well in advance of any expected final approvals. The following comments must be addressed on the revised (hearing) development plan and only if necessary, will they be up-dated and/or supplemented during the review of the building permit.

- This site is currently pending a zoning variance public hearing filed as case #93-3-A. Include the case number, what relief is requested and the location of all variance requests conspicuously on the plan, as previously requested. The development plan and zoning variance public hearing plans must agree. This revised plan shows minor parking layout changes and a reference to a future personage, which were not included on the zoning public hearing plan. (See note #2.)
- As previously requested at the D.P.C. Meeting on 8/10/92, this office needs to review for compliance the recently proposed personage site. Such questions as the nature and intensity of the use are also of importance in this review. Clearly indicate the name, plat book and folio number of any recorded subdivision in which lot #25 is shown so that any impact on these plans may be resolved.

(Over)

DEVELOPMENT PLAN COMMENTS
PROJECT NAME: New Life Baptist Church
DPC DATE: 8/10/92
PAGE 2

- Final zoning approval is contingent first, upon all plan comments being addressed on the development plan; and secondly, upon the final resolution of all comments, the outcome of any zoning requests before the hearing officer and finally, a zoning permit review and corresponding plan..

John L. Lewis
JOHN L. LEWIS
Planner II

JLL:scj

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204
JULY 16, 1992

(410) 887-3353

DEVELOPMENT PLAN
NOTICE OF HEARING OFFICER'S HEARING

DEVELOPMENT: XI-664
NEW LIFE BAPTIST CHURCH
SW/S LLOYD AVENUE, NW OF PHILADELPHIA ROAD
Proposed Use: Church and School

THE HEARING OFFICER'S HEARING OF THE ABOVE MATTER WILL TAKE AS FOLLOWS:

DATE: MONDAY, AUGUST 24, 1992
TIME: 9:00 a.m.
LOCATION: RM. 118, COURTHOUSE, 400 WASHINGTON AVENUE, TOWSON.

Arnold Jablon

ARNOLD JABLON
DIRECTOR, ZADM

cc: John Brewer/New Life Baptist Church
E. M. Canino & Associates

Printed on Recycled Paper

IF NEEDED, WILL BE APPLIED FOR AT A LATER DATE. NO SIGNS ARE AT THIS TIME. SIGNS WILL BE IN ACCORDANCE WITH 413.1.D OF THE BCZL. NOW WILL BE MADE FOR WATER SERVICE. WHEN IT BECOMES AVAILABLE IS TOTALLY COVERED WITH TREES. ALL TREES IN THE UNDISTURBED BUFFER LEFT. WHERE POSSIBLE WITHIN THE DEVELOPABLE AREA, SELECTIVE SAVING SPECIMEN TREES WILL BE DONE.

DEVELOPMENT PLAN
NEW LIFE BAPTIST CHURCH
#920852

(ALSO)
PLAN
TO ACCOMPANY VARIANCE

IF CHANGES TO THE SCHEMATIC DEVELOPMENT PLAN FOR BALTIMORE COUNTY THIS FORTH DAY ARE MADE, THE DEVELOPMENT PLAN MUST BE RE-APPROVED BY THE BALTIMORE COUNTY ZONING BOARD. THE BALTIMORE COUNTY ZONING BOARD SHALL BE NOTIFIED BY THE DEVELOPER OF ANY CHANGES TO THE DEVELOPMENT PLAN. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DEVELOPMENT PLAN. THE DEVELOPMENT PLAN SHALL BE IN ACCORDANCE WITH THE REVENUE FINAL DEVELOPMENT PLAN. THE DEVELOPMENT PLAN SHALL BE IN ACCORDANCE WITH THE REVENUE FINAL DEVELOPMENT PLAN. THE DEVELOPMENT PLAN SHALL BE IN ACCORDANCE WITH THE REVENUE FINAL DEVELOPMENT PLAN.

PETITIONER'S EXHIBIT 2
NEW LIFE BAPTIST CHURCH

PLANNING NO. 21
STATION DISTRICT
BUS TRACT:
JULY 1991

THE ORDER HAS BEEN INCLUDED ON THE PLAN BUT THE RESTRICTIONS ARE MISSING AND MUST BE INCLUDED

JOHN LEWIS
10/8/92

NEW LIFE BAPTIST CHURCH
10810 PHILADELPHIA ROAD
WHITE MARSH, MD 21162
335-5401

REVISIONS

No.	Date	Description
1	6/25/92	FILED

DEVELOPMENT PLAN AND MISC. INFORMATION

PHASE I & II DEVELOPMENT
NEW LIFE BAPTIST CHURCH
LOYD AVE. OFF PHILADELPHIA ROAD
WHITE MARSH, MD 21162

Proj. No. 2291
Date: 10/8/92
Last Rev.

PLEASE PRINT CLEARLY

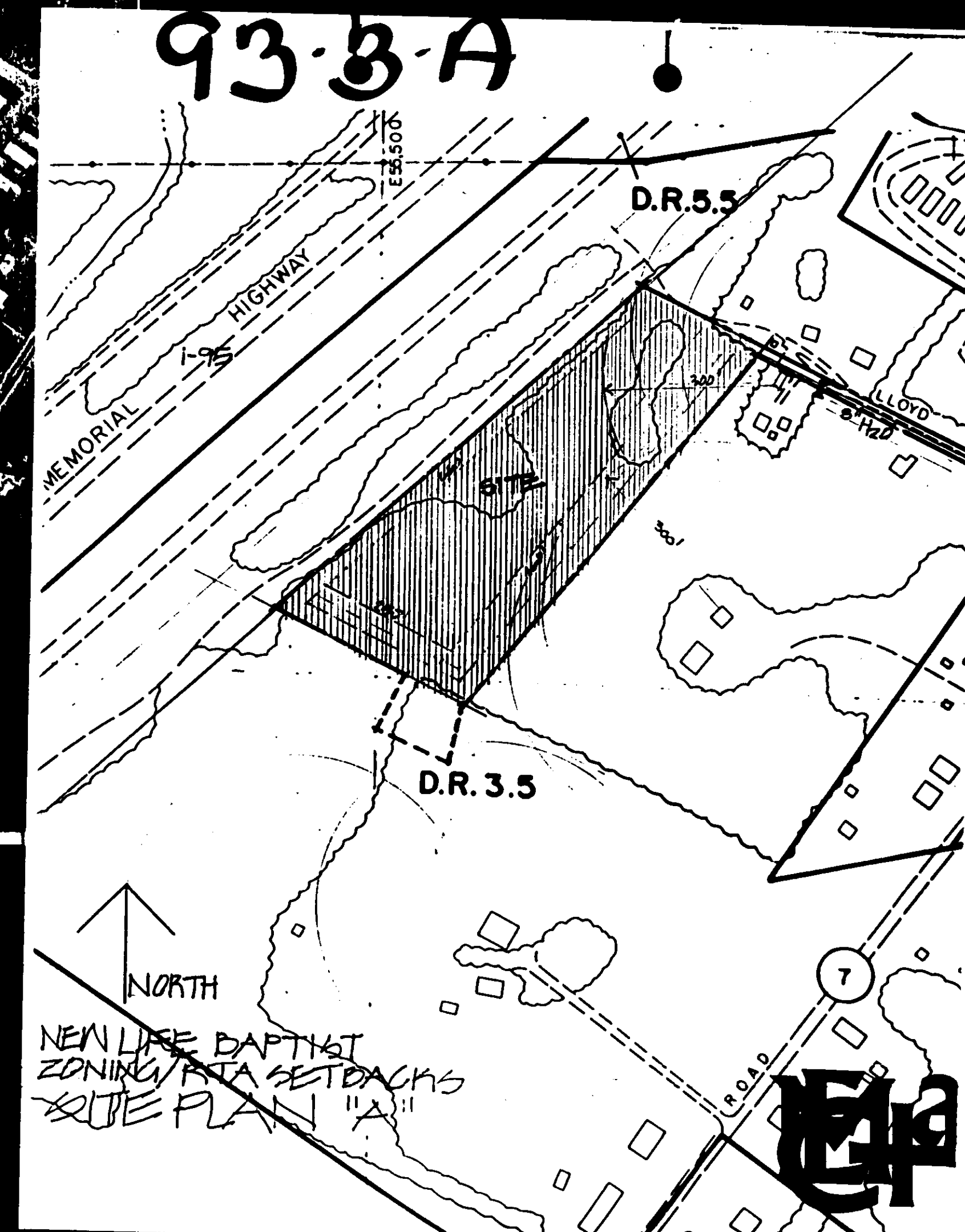
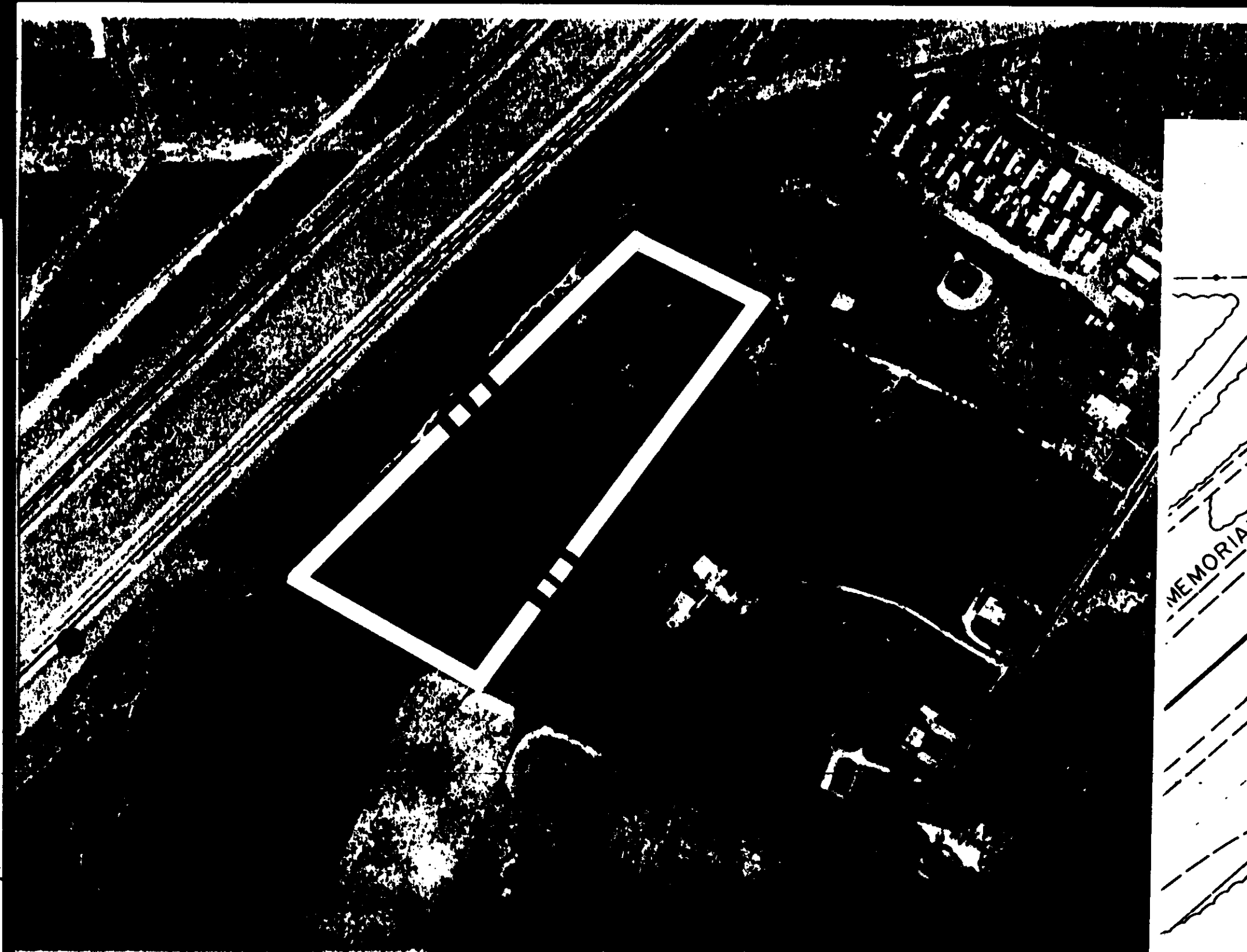
PROTESTANT(S) SIGN-IN SHEET

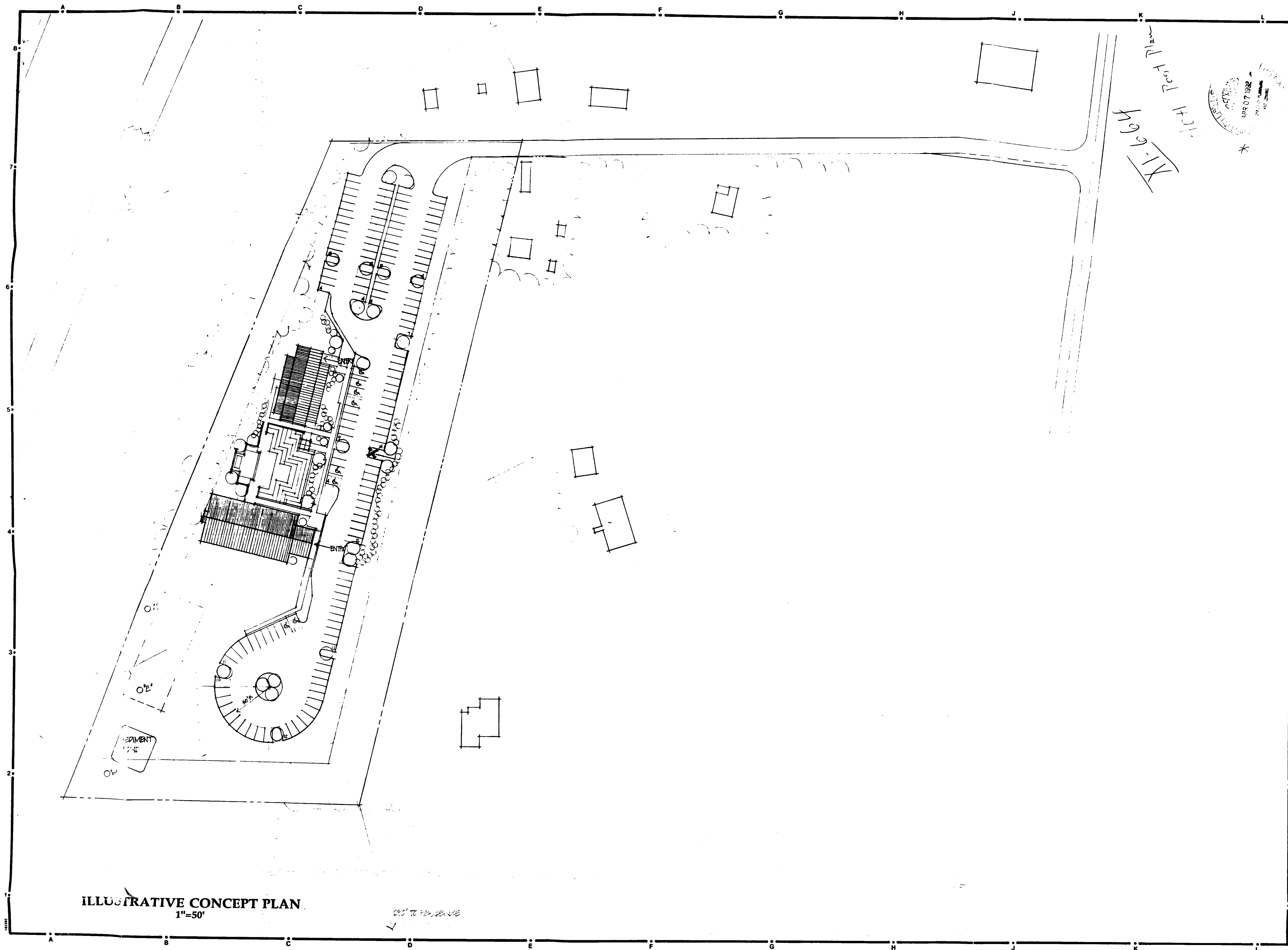
NAME ADDRESS
James H. Howdyshell 5611 Allender Rd. White Marsh, MD
Ronald Harvey 1445 Phila. Rd. White Marsh, MD

PLEASE PRINT CLEARLY

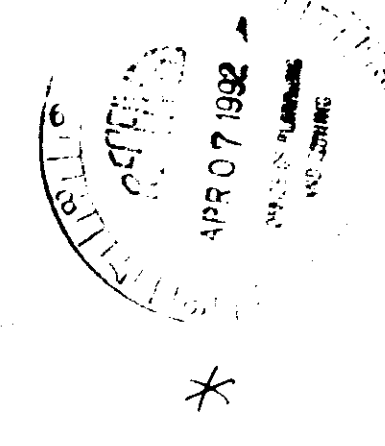
PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
Portia Johnson W. Brown 1810 Phila. Rd. White Marsh, MD 21162
Chuck Dousko 9 Joppa Road Court #62 Balt MD 21236
Bill Crum 50 Hendrum Rd. Balt MD 21220
Charles Schiavone 8079 Wallace Rd. Balt MD 21222
DAVE LEDFORD 2202 FIREHORN BL. 21228
PABBY GRAY 332 P. PLACE RD. 21221
Pastor William H. Gray, Jr. 404 Delaware Ave. Essex, MD 21221-6804
Cory S. Kummerford 9938 Kichlin Dr. Park Hill, 21118
Rudolf Z. G. 9958 Kichlin Dr. Park Hill 21125
M. H. 6000 Grand Avenue
L. H. 5611 Allender Road
DARRA MYERS 331 Keadley Rd. White Marsh, MD





44-11-69-1-101-1
Lloyd Avenue
Lloyd Road



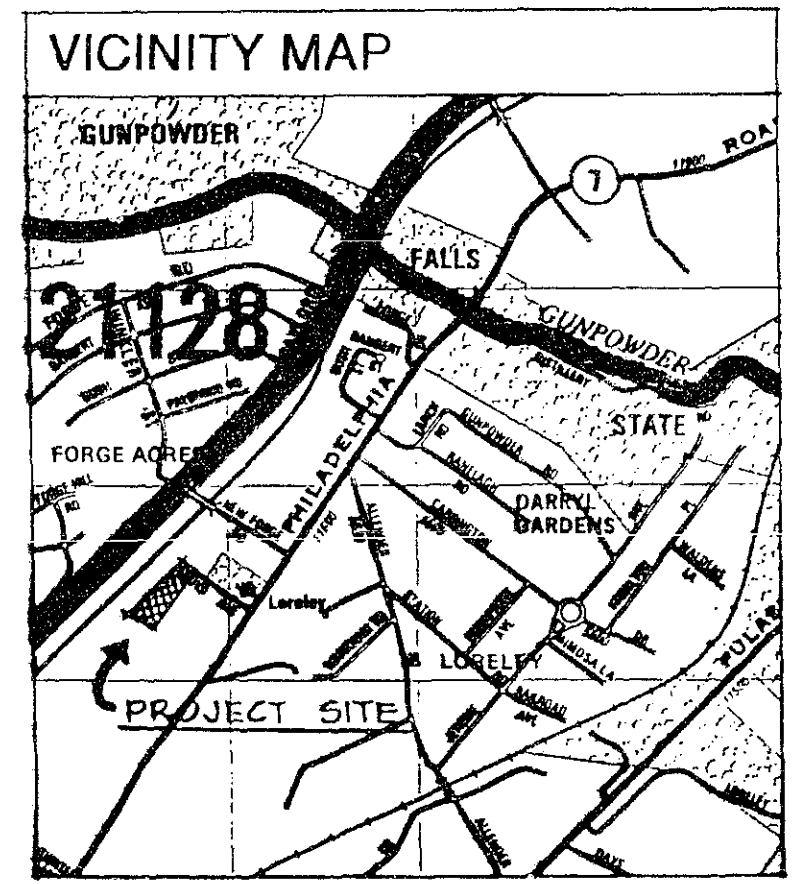
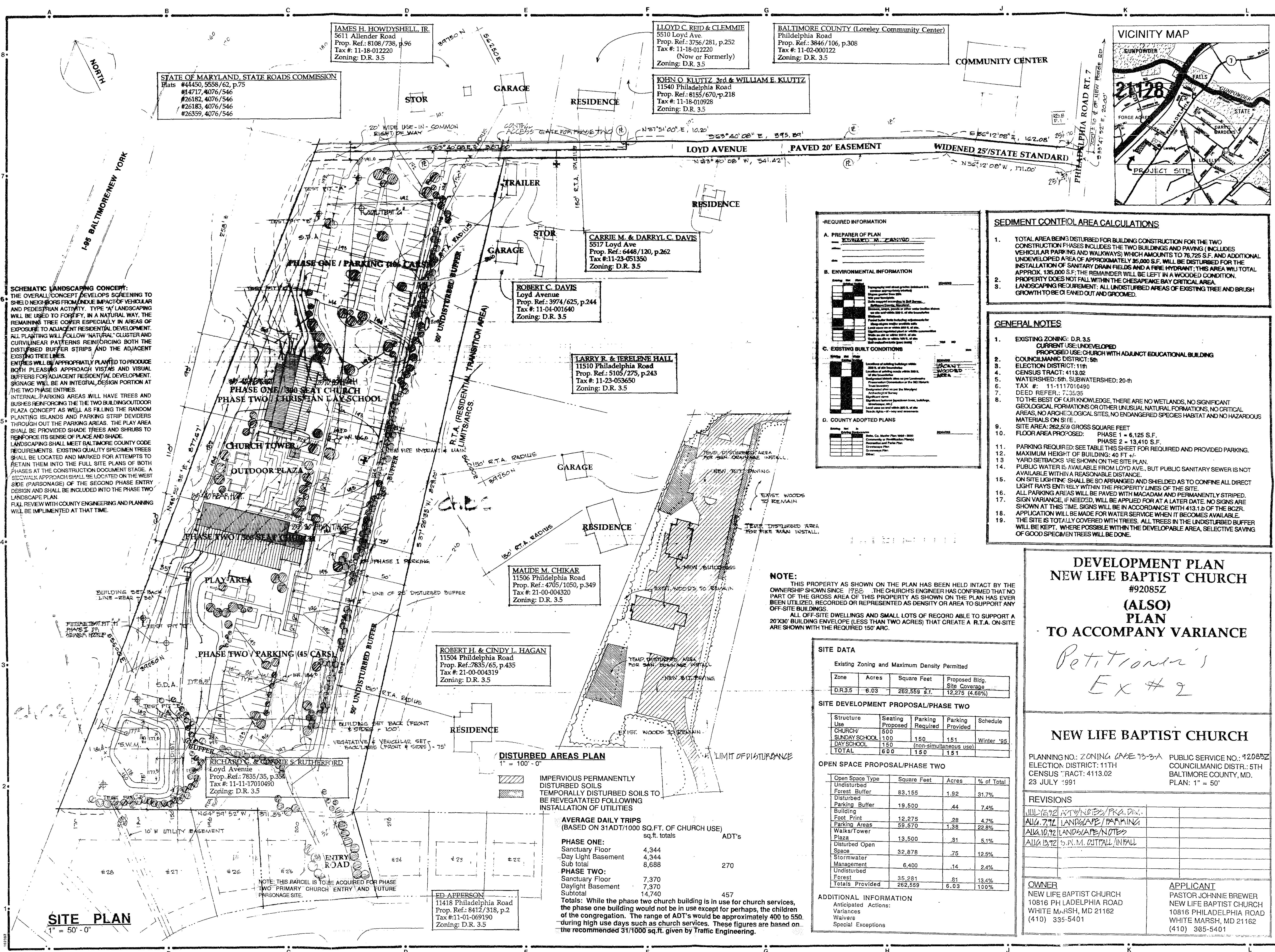
E.M. CANINO + ASSOCIATES
ARCHITECTS/PLANNERS
8811 Harford Road, Baltimore, Maryland 21214 TEL: 410/661-4224 FAX: 410/661-4224



REVISIONS	
No.	Description

NEW LIFE BAPTIST CHURCH
PHASE ONE AND TWO
LOYD AVENUE OFF PHILADELPHIA ROAD
WHITE MARSH, MARYLAND 21162

Proj. No.
Date
Last Rev.
Sheet of



SCHEMATIC LANDSCAPING CONCEPT:
THE OVERALL CONCEPT DEVELOPS SCREENING TO SHIELD NEIGHBORS FROM UNDESIRABLE IMPACT OF VEHICULAR AND PEDESTRIAN ACTIVITY. TYPE 'A' LANDSCAPING WILL BE USED TO FORMIFY, IN A NATURAL WAY, THE REMAINING TREE COVER ESPECIALLY IN AREAS OF EXPOSURE TO ADJACENT RESIDENTIAL DEVELOPMENT. ALL PLANTING WILL FOLLOW 'NATURAL' CLUSTER AND CURVILINEAR PATTERNS REINFORCING BOTH THE DISTURBED BUFFER STRIPS AND THE ADJACENT EXISTING TREE LINES. ENTRIES WILL BE APPROPRIATELY PLANTED TO PRODUCE BOTH PLEASANT APPROACH VISTAS AND VISUAL BUFFERS FOR ADJACENT RESIDENTIAL DEVELOPMENT. SIGNAGE WILL BE AN INTEGRAL DESIGN PORTION AT THE TWO PHASE ENTRIES. INTERNAL PARKING AREAS WILL HAVE TREES AND BUSHES REINFORCING THE TWO BUILDING/OUTDOOR PLAZA CONCEPT AS WELL AS FILLING THE RANDOM PLANTING ISLANDS AND PARKING STRIP DIVIDERS THROUGHOUT THE PARKING AREAS. THE PLAY AREA SHALL BE PROVIDED SHADE TREES AND SHRUBS TO REINFORCE ITS SENSE OF PLACE AND SHADE. LANDSCAPING SHALL MEET BALTIMORE COUNTY CODE REQUIREMENTS. EXISTING QUALITY SPECIMEN TREES SHALL BE LOCATED AND MARKED FOR ATTEMPTS TO RETAIN THEM INTO THE FULL SITE PLANS OF BOTH PHASES AT THE CONSTRUCTION DOCUMENT STAGE. A SIDEWALK APPROACH SHALL BE LOCATED ON THE WEST SIDE (PARSONAGE) OF THE SECOND PHASE ENTRY DESIGN AND SHALL BE INCLUDED INTO THE PHASE TWO LANDSCAPE PLAN. FULL REVIEW WITH COUNTY ENGINEERING AND PLANNING WILL BE IMPLEMENTED AT THAT TIME.

REQUIRED INFORMATION

A. PREPARER OF PLAN
FORWARD M. ZAMINDO

B. ENVIRONMENTAL INFORMATION

C. EXISTING BUILT CONDITIONS

D. COUNTY ADOPTED PLANS

SEDIMENT CONTROL AREA CALCULATIONS

1. TOTAL AREA BEING DISTURBED FOR BUILDING CONSTRUCTION FOR THE TWO CONSTRUCTION PHASES INCLUDES THE TWO BUILDINGS AND PAVING (INCLUDES VEHICULAR PARKING AND WALKWAYS) WHICH AMOUNTS TO 76,725 S.F. AND ADDITIONAL UNDEVELOPED AREA OF APPROXIMATELY 35,000 S.F. WILL BE DISTURBED FOR THE INSTALLATION OF SANITARY DRAIN FIELDS AND A FIRE HYDRANT. THIS AREA WILL TOTAL APPROX. 111,725 S.F. THE REMAINDER WILL BE LEFT IN A WOODED CONDITION.

2. PROPERTY DOES NOT FALL WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

3. LANDSCAPING REQUIREMENT: ALL UNDISTURBED AREAS OF EXISTING TREE AND BRUSH GROWTH TO BE CLEANED OUT AND GROOMED.

- GENERAL NOTES**
- EXISTING ZONING: D.R. 3.5
 - CURRENT USE: UNDEVELOPED
 - PROPOSED USE: CHURCH WITH ADJUNCT EDUCATIONAL BUILDING
 - COUNCILMANIC DISTRICT: 5th
 - ELECTION DISTRICT: 11th
 - CENSUS TRACT: 4113.02
 - WATERSHED: 5th SUBWATERSHED: 20th
 - TAX #: 11-117010490
 - DEED REFERENCE: 7-23-55
 - TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO WETLANDS, NO SIGNIFICANT GEOLOGICAL FORMATIONS OR OTHER UNUSUAL NATURAL FORMATIONS, NO CRITICAL AREAS, NO ARCHAEOLOGICAL SITES, NO ENDANGERED SPECIES HABITAT AND NO HAZARDOUS MATERIALS ON SITE.
 - SITE AREA: 262,559 GROSS SQUARE FEET
 - FLOOR AREA PROPOSED: PHASE 1 = 6,125 S.F. PHASE 2 = 13,410 S.F.
 - PARKING REQUIRED: SEE TABLE THIS SHEET FOR REQUIRED AND PROVIDED PARKING.
 - MAXIMUM HEIGHT OF BUILDING: 40 FT.
 - YARD SETBACKS: ARE SHOWN ON THE SITE PLAN.
 - PUBLIC WATER IS AVAILABLE FROM LOYD AVE., BUT PUBLIC SANITARY SEWER IS NOT AVAILABLE WITHIN A REASONABLE DISTANCE.
 - ON SITE LIGHTING SHALL BE SO ARRANGED AND SHIELDED AS TO CONFINED ALL DIRECT LIGHT RAYS ENTIRELY WITHIN THE PROPERTY LINES OF THE SITE.
 - ALL PARKING AREAS WILL BE PAVED WITH MACADAM AND PERMANENTLY STRIPED. SIGN VARIANCE, IF NEEDED, WILL BE APPLIED FOR AT A LATER DATE. NO SIGNS ARE SHOWN AT THIS TIME. SIGNS WILL BE IN ACCORDANCE WITH 413.1.D OF THE BCCR.
 - APPLICATION WILL BE MADE FOR WATER SERVICE WHEN IT BECOMES AVAILABLE.
 - THE SITE IS TOTALLY COVERED WITH TREES. ALL TREES IN THE UNDISTURBED BUFFER WILL BE KEPT. WHERE POSSIBLE WITHIN THE DEVELOPABLE AREA, SELECTIVE SAVING OF GOOD SPECIMEN TREES WILL BE DONE.

NOTE:
THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY THE OWNERSHIP SHOWN SINCE 1958. THE CHURCH'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE BUILDINGS.

ALL OFF-SITE DWELLINGS AND SMALL LOTS OF RECORD ABLE TO SUPPORT A 20'X30' BUILDING ENVELOPE (LESS THAN TWO ACRES) THAT CREATE A R.T.A. ON-SITE ARE SHOWN WITH THE REQUIRED 150' ARC.

SITE DATA

Zone	Acres	Square Feet	Proposed Bldg. Site Coverage
D.R.3.5	6.03	262,559 S.F.	12,275 (4.68%)

SITE DEVELOPMENT PROPOSAL/PHASE TWO

Structure Use	Seating Proposed	Parking Required	Parking Provided	Schedule
CHURCH	500	150	151	Winter '95
SUNDAY SCHOOL	100	150	151	
DAY SCHOOL	150	(non-simultaneous use)		
TOTAL	600	150	151	

OPEN SPACE PROPOSAL/PHASE TWO

Open Space Type	Square Feet	Acres	% of Total
Undisturbed Forest Buffer	83,155	1.92	31.7%
Disturbed Parking Buffer	19,500	.44	7.4%
Foot Print	12,275	.28	4.7%
Parking Areas	59,870	1.36	22.8%
Walkways/Tower Plaza	13,500	.31	5.1%
Disturbed Open Space	32,878	.75	12.5%
Stormwater Management	6,400	.14	2.4%
Undisturbed Forest	35,281	.81	13.4%
Totals Provided	262,559	6.03	100%

ADDITIONAL INFORMATION

Anticipated Actions:
Variances
Waivers
Special Exceptions

SITE PLAN
1" = 50'-0"

DISTURBED AREAS PLAN
1" = 100'-0"

IMPERVIOUS PERMANENTLY DISTURBED SOILS
TEMPORALLY DISTURBED SOILS TO BE REVEGETATED FOLLOWING INSTALLATION OF UTILITIES

AVERAGE DAILY TRIPS (BASED ON 31ADT/1000 SQ.FT. OF CHURCH USE) sq.ft. totals ADT's

PHASE ONE:
Sanctuary Floor 4,344
Day Light Basement 4,344
Sub total 8,688

PHASE TWO:
Sanctuary Floor 7,370
Daylight Basement 7,370
Subtotal 14,740

Totals: While the phase two church building is in use for church services, the phase one building would not be in use except for perhaps, the children of the congregation. The range of ADT's would be approximately 400 to 550 during high use days such as church services. These figures are based on the recommended 31/1000 sq.ft. given by Traffic Engineering.

DEVELOPMENT PLAN
NEW LIFE BAPTIST CHURCH
#92085Z
(ALSO)
PLAN
TO ACCOMPANY VARIANCE

Petitioner's Ex #2

NEW LIFE BAPTIST CHURCH

PLANNING NO.: ZONING CASE 13-37A PUBLIC SERVICE NO.: 12085Z
ELECTION DISTRICT: 11TH COUNCILMANIC DISTRICT: 5TH
CENSUS TRACT: 4113.02 BALTIMORE COUNTY, MD.
23 JULY 1991 PLAN: 1" = 50'

REVISIONS

No.	Date	Description
1	7/25/92	REVISED/PAID DIV.
2	8/1/92	LANDSCAPE/PARKING
3	8/10/92	LANDSCAPE/NOTES
4	8/13/92	S.N.M. CUT/FILL/INFILL

OWNER
NEW LIFE BAPTIST CHURCH
10816 PHILADELPHIA ROAD
WHITE MARSH, MD 21162
(410) 335-5401

APPLICANT
PASTOR JOHNIE BREWER
NEW LIFE BAPTIST CHURCH
10816 PHILADELPHIA ROAD
WHITE MARSH, MD 21162
(410) 335-5401

PRINT 6/25/92
7/15/92

E.M. CANINO + ASSOCIATES
ARCHITECTS/PLANNERS
8811 Harford Road/Baltimore, Maryland 21234 / 410/661-0415 / FAX 410/661-1212

REVISIONS

No.	Date	Description
1	6/25/92	PLD/PAID DIV.

DEVELOPMENT PLAN AND MISC. INFORMATION

PHASE 1 & 2 DEVELOPMENT
NEW LIFE BAPTIST CHURCH
LOYD AVE. OFF PHILADELPHIA ROAD
WHITE MARSH, MD 21162

Proj. No.: 12-11
Date: 10 JUNE 1991
Last Rev.:
1
Sheet 1 of 1